

REMARKS

In the Office Action¹, the Examiner rejected claims 1-4, 6-12, 14-20, and 22-26 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,854,062 to Okamoto ("*Okamoto*") in view of U.S. Patent No. 5,884,298 to Smith II et al. ("*Smith*") and U.S. Patent Application Publication No. 2004/0203600 to McCorkle et al. ("*McCorkle*"); rejected claims 5, 13, and 21 under 35 U.S.C. §103(a) as unpatentable over *Okamoto* in view of *Smith*, *McCorkle*, and U.S. Patent Publication No. 2003/0046352 to Katsuda et al. ("*Katsuda*"); and rejected claim 27 under 35 U.S.C. §103(a) as unpatentable over *Okamoto* in view of *Smith*, *McCorkle*, and Japanese Patent Application Publication No. JP 2002-281019 A to Jinriki et al. ("*Jinriki*").

Applicants amend claims 1, 9, 17, and 26. Claims 1-27 remain pending.

Applicants respectfully traverse the rejections of the claims under 35 U.S.C. § 103(a). In this application, a *prima facie* case of obviousness has not been established at least because: 1) the rejection is based upon at least a mischaracterization of *Smith*; and 2) there are significant differences between the cited art, alone or in combination, and the claimed invention.

The cited art, alone or in combination, fails to disclose or suggest, *inter alia*, the recitations of claim 1 of "a local environment management unit configured to authenticate based on the information from the mediating device that the first device and the second device are connected within the certain range when it is determined that the first device has physically connected to the removable mediating device within a

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant decline to automatically subscribe to any statement or characterization in the Office Action.

predetermined period of time before or after the removable mediating device is physically connected to the second device.”

Instead, *Okamoto* merely discloses a system for incorporating data into a household device using a bridging medium. Abstract. Indeed, the Office Action merely relies on *Okamoto* to teach “local and the environment management means, based on the information of the mediating device, configured to authenticate.” Office Action at p. 6. *Okamoto*, at best, discloses validating a signature in a bridging device to determine whether data is valid when devices are not connected by a network. Col. 1, line 62 - Col. 2, line 6. Accordingly, *Okamoto* fails to disclose or suggest “authenticat[ing] . . . that the first device and the second device are connected within the certain range when it is determined that the first device is physically connected to the removable mediating device within the predetermined period of time before or after the removable mediating device is physically connected to the second device.”

Smith fails to overcome the deficiencies set forth above, including the failure of *Okamoto* to disclose or suggest at least the above-quoted elements of amended independent claim 1.

Instead, *Smith* discloses an optical disk jukebox. Col. 33, lines 50-55. The jukebox of *Smith* stores check in and check out information, so that a history of the check in and check out information can be displayed. Col. 33, line 58 - Col. 34, line 9. *Smith* does not disclose or suggest that the check in and check out information, for example, is used for authenticating “that the first device and the second device are connected within the certain range when it is determined that the first device has physically connected to the removable mediating device within a predetermined period

of time before or after the removable mediating device physically connected to the second device,” as recited in amended independent claim 1.

Indeed, the Office Action only relies upon *Smith* alone to teach "local environment management means for authenticating that the first device is physically connected to the removable the mediating device within a predetermined period of time before or after the removable mediating device physically connected to the second device." P. 6. However, the Office Action's assertion is incorrect. Firstly, *Smith* is silent with respect to authentication. Secondly, the check-in and check-out times of *Smith* fail to even disclose or suggest that "the first device is physically connected to the removable the mediating device within a predetermined period of time before or after the removable mediating device physically connected to the second device." The history information of *Smith* represents a period of time from when a disc is checked-out from a library and checked-in to a library. Col. 34, lines 2-39. That is, *Smith*'s time period is not related to "the first device . . . physically connect[ing] to the removable mediating device" and "the removable mediating device physically connect[ing] to the second device," as recited in claim 1. Moreover, *Smith*'s discs are not physically removed from the library, as they are part of a disk jukebox. Col. 9, lines 3-12. Finally, *Smith* fails to disclose or suggest "a predetermined period of time," as recited in claim 1. Accordingly, the rejection is based upon a mischaracterization of *Smith*.

Additionally, *Smith* fails to disclose or suggest authenticating "that the first device and the second device are connected within the certain range when it is determined that the first device has physically connected to the removable mediating device within a predetermined period of time before or after the removable mediating device physically

connected to the second device,” (emphasis added) as recited in amended independent claim 1.

McCorkle fails to overcome the deficiencies set forth above, including the failure of *Okamoto* and *Smith* to disclose or suggest at least the above-quoted elements of amended independent claim 1.

Instead, *McCorkle* discloses a method for providing authentication in a wireless network, wherein an authentication device evaluates a first and a second distance measurement to determine if they meet authentication criteria. Abstract. However, even if the Office Action's assertion that “*McCorkle* teaches the first device and the second device are connected within a certain range” (p. 7.) is correct, which Applicant does not concede, *McCorkle* does not cure the deficiencies of *Okamoto* and *Smith* in disclosing or suggesting “a local environment management unit configured to authenticate based on the information from the mediating device, that the first device and the second device are connected within the certain range when it is determined that the first device has physically connected to the removable mediating device within a predetermined period of time before or after the removable mediating device is physically connected to the second device.” (Emphasis added).

Katsuda fails to overcome the deficiencies set forth above, including the failure of *Okamoto*, *Smith*, and *McCorkle* to disclose or suggest at least the above-quoted elements of amended independent claim 1. Instead, *Katsuda* teaches a scanner that is capable of functioning as a data transmission management device. Abstract.

Jinriki fails to overcome the deficiencies set forth above, including the failure of *Okamoto*, *Smith*, *McCorkle*, and *Katsuda* to disclose or suggest at least the above-

quoted elements of amended independent claim 1. Instead, *Jinriki* discloses an authentication method for attesting that an IC card is the right thing. Abstract.

Accordingly, the cited art, alone or in combination, fails to disclose or suggest “a local environment management unit configured to authenticate, based on the information from the mediating device, that the first device and the second device are connected within the certain range when it is determined that the first device has physically connected to the removable mediating device within a predetermined period of time before or after the removable mediating device is physically connected to the second device,” as recited in claim 1.

In view of the foregoing, there are significant differences between the cited art and claimed invention that the Office Action fails to address, including the mischaracterization of *Smith*. Therefore, the cited art fails render claim 1 obvious.

Independent claims 9, 17, and 26, and dependent claims 2-8, 10-16, 18-25 and 27, while of different scope than claim 1, are allowable over the cited art for at least similar reasons as claim 1.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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